

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Kirschner, Mitchell I. et al.  
Serial No.: 10/709,870  
Filed: June 2, 2004  
Title: NUTRITIONAL FORMULATIONS  
Group Art Unit: 1616  
Examiner: Choi, Frank I.  
Confirmation No.: 3869  
Docket No.: P017US-P2

**SUBMITTED ELECTRONICALLY VIA EFS-WEB**

December 9, 2008

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits a Supplemental Information Disclosure Statement for consideration by the Examiner.

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form PTO/SB/08a (08-08) attached hereto. Information submitted herewith is additional to that submitted previously with the USPTO. In accordance with MPEP 609.02, A.2., Applicant assumes the Examiner will consider, relative to the present application, all information submitted in the parent application.

Because the present application was filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form PTO/SB/08a (08-08) are enclosed pursuant to the 37 C.F.R. §1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form PTO/SB/08a (08-08) were previously submitted with the co-pending and parent application.

Respectfully submitted,

/Kristin J. Frost/  
Kristin J. Frost  
Reg. No.: 50,627

Attachments:  
Form PTO/SB/08a  
Foreign Document  
Non-Patent Literature